

**NEPA COMPLIANCE RECORD**  
**CATEGORICAL EXCLUSION (CX)**  
Tucson Field Office

**NEPA # AZ-420-2005-040**

**Proposed Action Title/Type:** SPRNCA Use Restriction South of Hwy. 92

**Location of Proposed Action:**

The affected federal lands include approximately 2,740 acres generally located south of State Highway 92, and north of the International United States-Mexico Boundary T. 24 S, R. 22 E., Gila and Salt River Base Meridian, Cochise County, AZ All portions of Sections 3, 4, 8, 9, 17, 18, 19 and 20.

**Description of Proposed Action:**

Limitation of activities to daylight hours on selected public lands within the San Pedro Riparian National Conservation Area (SPRNCA), and other areas, Cochise County, Arizona, to provide for public safety. All public use, visitation and activity on affected lands in part of the San Pedro Riparian National Conservation Area (SPRNCA), and other land managed by the Bureau of Land Management in the area, are limited to daylight hours. Activity during the hours of darkness, which is described as official sunset to official sunrise, is prohibited year round. Other existing limitations established in the Safford District Resource Management Plan and applicable regulations remain unchanged except as modified by this notice. This notice is issued under the authority of 43 CFR 8364.1.

This restriction is necessary for public health and safety, and to facilitate law enforcement efforts. Current use designations and regulations allow public use at all times in the SPRNCA. Part of the SPRNCA, and other lands, are affected by illegal immigration from Mexico, including smuggling of undocumented aliens and drug-smuggling that present serious safety concerns for visitors. Because of these illegal activities, intensive border-related law enforcement operations occur in the area. Public use in the affected area is also vulnerable to incidental criminal activity, and can conflict with law enforcement operations and management actions necessary to protect public safety.

The affected area described here will be subject to the following restriction: Unless otherwise authorized, no person shall use, remain on or occupy any land in the affected area during the period of time from 30 minutes after official sunset to 30 minutes before official sunrise. Persons who are exempt from this restriction include:

- (1) Any Federal, state, or local officers engaged in official fire, emergency or law enforcement activities;
- (2) BLM employees engaged in official duties;
- (3) Persons specifically authorized by BLM or by law to use, remain on, or occupy lands in the area affected by this notice. This includes persons with BLM permits or leases or other written authorizations, or occupying valid mining claims under the Mining Law.

**PART I: PLAN CONFORMANCE REVIEW**

This proposed action is subject to the following land use plan: Safford District Resource Management Plan approved 1991. The authority for this closure is found under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733 (a) and 43 CFR 9268.3(d)(1)(i) and 43 CFR 8364.1(a).

The proposed action has been reviewed and determined to be in conformance with this plan (43 CFR 1610.5, BLM MS 1617.3).

\_\_\_\_\_  
Specialist Signature

\_\_\_\_\_  
Date

PROGRAM CONSULTATION & COORDINATION/CX CHECKLIST  
BUREAU OF LAND MANAGEMENT  
TUCSON FIELD OFFICE

**PART II: CATEGORICAL EXCLUSION REVIEW**

NEPA #: AZ-420-2005-040

**ASSIGNMENT AND REVIEW**

Project Name: SPRNCA Use Restriction South of Hwy. 92

Location: T. 24 S, R. 22 E., Gila and Salt River Base Meridian, Cochise County, AZ All portions of Sections 3, 4, 8, 9, 17, 18, 19 and 20.

NLCS Unit: SPRNCA

Project Lead: Bill Childress

Draft Review: Unit Manager/Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Technical Review:

Exception	NAME	EXCEPTION	SIGNATURE	DATE
<b>Applies?</b> <b>Yes No</b>				
( ) ( )	Bill Auby	(1) Have Significant adverse effects on public health or safety?		
( ) ( )	Francisco Mendoza	(2) Have adverse effects on such unique geographic characteristics as historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains or ecologically significant or critical areas including those listed on the Department's National Register of Natural Landmarks.		
( ) ( )	Darrell Tersey	(3) Have highly controversial environmental effects.		
( ) ( )	Bill Auby	(4) Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		
( ) ( )	Dan Moore	(5) Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		
( ) ( )	Francisco Mendoza	(6) Individually Insignificant, but cumulatively significant effects.		
( ) ( )	Max Witkind	(7) Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.		
( ) ( )	Keith Hughes	(8) Have adverse effects on species listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species.		
( ) ( )	Keith Hughes	(9) Require compliance with EO 11988, 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.		
( ) ( )	Dan Moore	(10) Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.		

Final Review:

Unit Manager/Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Environmental Coordinator: \_\_\_\_\_ Date: \_\_\_\_\_

Field Manager: \_\_\_\_\_ Date: \_\_\_\_\_

This proposed action qualifies as a categorical exclusion under 516 DM 2.3A(2), **#1.10 Policies, directives, regulations and guidelines of an administrative, financial, legal, technical or procedural nature; or the environmental effects of which are too broad, speculative or conjectural to lend themselves to meaningful analysis and will be subject later to the NEPA process, either collectively or case-by-case.** It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

The action does not have significant adverse effects on public health and safety nor does the action adversely affect such unique geographic characteristics as historic or cultural resources, parks, recreation, or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks. The action does not have highly controversial environmental effects nor have highly uncertain environmental effects or involve unique or unknown environmental risk nor does it adversely affect a species listed or proposed to be listed on the list of endangered or threatened species. It does not establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects or related to other actions with individually insignificant but cumulatively significant environmental effects. The proposed action does not adversely affect properties listed or eligible for listing in the National Register of Historic Places or threaten to violate a Federal, State, local or tribal law or requirements imposed for the protection of the environment or which require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands) or the Fish and Wildlife Coordination Act.

**Mitigation Measures/Stipulations:**

1. Federal Register Notice will be published (see attached)

**Part III: DECISION.** I have reviewed this plan conformance and NEPA compliance record and have determined that the proposed action does not conflict with major land-use-plans and will not have any major adverse impacts on other resources. Therefore, it does not represent an exception, and is categorically excluded from further environmental review. It is my decision to implement the project, as described, with the mitigation measures attached.

Authorized Official: \_\_\_\_\_

Date: \_\_\_\_\_